

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4861 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LAXMISHANKER BHAGWANJI SHUKLA

Versus

DIVISIONAL CONTROLLER

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Appearance:

MR HK RATHOD for Petitioner

MR HARDIK C RAWAL for Respondent No. 1

SERVED for Respondent No. 2

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CORAM : MR.JUSTICE S.M.SONI

Date of decision: 10/04/97

ORAL JUDGEMENT

This petition under Article 227 of the Constitution of India is directed against the judgment and order dated 11.12.84 passed by the Presiding Officer, Labour Court, Navsari in Application No.7 of 1984 for restoration. Said application came to be dismissed, as it was found to be barred by limitation as well as not

maintainable on merits.

From the judgment, it is clear that there is no reason as to why statement of claim was not filed for a period of three years. The only explanation offered is that it was not filed due to oversight. This, by itself, cannot be said to be a sufficient cause for condonation of delay and the learned Presiding Officer has rightly held that there is no sufficient cause to condone the delay. In view of this fact, there is no reason to interfere with the order passed. Hence rejected. Rule discharged. No costs.

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